

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 4161 of 2007(U)

PETITIONER:

A.P. SCARIA, S/O. PAULOSE,
AGED 54, ANITHOTTATHIL HOUSE, KAVALANGADU KARA,
KOTHAMANGALAM VILLAGE, KOTHAMANGALAM.

BY ADV. SMT.R.BINDU (SASTHAMANGALAM)
SRI.M.P.PRASANTH

RESPONDENTS:

1. K.M. MEERAN,
SECRETARY, FOREST AND GENERAL WORKERS UNION,CITU,
NELLIMATTOM UNIT, KOTHAMANGALAM.
2. PAULOSE,
SECRETARY, FOREST AND GENERAL WORKERS UNION
(JACOB GROUP), NADUKARI UNIT, KEERAMPARA PANCHAYAT
3. SUB INSPECTOR OF POLICE,
OONNUKAL, KOTHAMANGALAM.
4. THE CIRCLE INSPECTOR OF POLICE,
KOTHAMANGALAM.

R3 & R4 BY G.P. SHRI P.A. SALIM
R1 & R2 BY ADV. SRI.GEORGE ABRAHAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

EXT.P1- TRUE COPY OF THE REPRESENTATION DATED 2.2.2007

RESPONDENTS' EXTS:

EXT.R2(A)-TRUE COPY OF TERMS OF SETTLEMENT SIGNED IN THE PRESENCE OF CIRCLE INSPECTOR OF POLICE, KOTHAMANGALAM JOINTLY BY KAVALANGAD PANCHAYAT AND KEERAMPARA PANCHAYT UNION WORKERS ON 22.1.2003

EXT.R2(B)-TRUE COPY OF ROUGH SKETCH OF KEERAMPARA GRAMA PANCHAYAT SHOWING THEREIN THE PETITIONER'S PROPERTY

EXT.R2(C)-TRUE COPY OF REPRESENTATION SUBMITTED BY R2 TO THE CI OF POLICE, KOTHAMANGALAM.

// TRUE COPY //

J.B. Koshy & T.R. Ramachandran Nair, JJ.

W.P.(C).NO.4161 of 2007-U

Dated this the 15th day of February, 2007

JUDGMENT

Koshy, J.

This is a petition for police protection. It is stated that the petitioner has purchased rubber trees from two acres of property. But cutting and removal of rubber trees are obstructed by respondents 1 and 2 and their supporters. Cutting of rubber trees can be done by the employees of the choice of the employer as Headload Workers Act is not applicable to cutting of rubber trees. With regard to removal of rubber trees, petitioner is willing to employ any employees, but the only thing is that any delay will cause damage to the trees cut.

Therefore, the police should see that cut rubber trees should be allowed to be removed by the petitioner at the existing rate in the locality by the members of the unions of of the area where the cut rubber trees are placed. If those workers are not willing to remove the goods at the agreed

rate, the petitioner is free to engage his own workers to do the same.

The writ petition is disposed of in the above terms.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

kav/